

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 445-0767
6 Facsimile: (916) 324-5567

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2008-286*

12 **JOHN MARCA, JR.,**
13 508 West Stuart Avenue, Apt. A
Clovis, California 93612

A C C U S A T I O N

14 Registered Nurse License No. 518369

15 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about December 26, 1995, the Board of Registered Nursing issued
25 Registered Nurse License Number 518369 to John Marca, Jr., ("Respondent"). The registered
26 nurse license will expire on March 31, 2009, unless renewed.

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1 8. **DRUGS**

2 “**Versed**”, a brand of midazolam, is a Schedule IV controlled substance
3 pursuant to Health and Safety Code section 11057, subdivision (d)(21), and a dangerous drug
4 within the meaning of Code section 4022 in that it requires a prescription under federal law.

5 “**Romazicon**”, a brand of Flumazenil is a dangerous drug within the
6 meaning of Code section 4022 in that it requires a prescription under federal law.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 9. Respondent is subject to discipline under Code section 2761, subdivision
10 (a)(1), on the grounds of unprofessional conduct, in that on or about July 15, 2006, while on duty
11 as a registered nurse at Mercy Medical Center Emergency Department, Merced, California, and
12 caring for Patient A., a 77 year old female brought to the emergency room in a non-responsive
13 status, Respondent committed acts constituting gross negligence, as defined in California Code
14 of Regulations, title 16, section 1442. Respondent failed to administer medications safely to a
15 patient under his care and thereby placed the patient at increased risk for an unsatisfactory
16 outcome of the rapid sequence induction (RSI) procedure and subsequent resuscitation effort.
17 At approximately 12:25 p.m., Respondent administered 10 mg of Versed to Patient A instead of
18 the physician ordered 2 mg. To counteract the 10 mg of Versed, Respondent administered
19 Romazicon to Patient A, without a physician’s order. The patient was pronounced dead at
20 approximately 12:45 p.m.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 10. Respondent is subject to discipline under Code section 2761, subdivision
24 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 8,
25 above.

26 **OTHER MATTERS**

27 11. On March 3, 2005, in the Superior Court, Merced County, California, in
28 the matter entitled *People vs. John Marca* (Super. Ct., Merced Cty., 2005, Case No. LF38589),

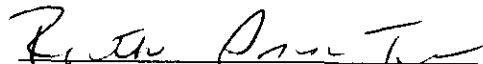
Respondent was convicted by the court on his plea of nolo contendere of a violation of Penal Code section 273A, subdivision (a) (willful harm or injury to a child), a misdemeanor.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 518369, issued to John Marca, Jr.,
2. Ordering John Marca, Jr., to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/17/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant